IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Suit No.507 of 1987

Krishna Ray Kamath ..Plaintiff

vs.

Assisi Coop.Housing
Society ltd. ..Defendants

Mr.A.S.Khandeparkar i/b A.V.Pawaskar for plaintiff
Mr.R.B.Khanolkar for defendants.

CORAM: S.C.DHARMADHIKARI J.
31st July, 2007

P.C.

1. The suit is filed by the plaintiff for recovery of a sum of Rs.74,466/- along with interest. The suit claim arises out of the work which was carried on by the plaintiffs at the site of the society. In other words, the premises of the defendants society where the work was carried out pursuant to the written contract resulted in certain bills being raised but the claim was disputed. Hence, the instant suit.

2. After the suit was listed for directions before me I had suggested to the plaintiff as also the defendants society to work out an amicable settlement so as to put an end to the matter finally.

3. It appears that certain without prejudice negotiations were held where the society pleaded its inability to pay the entire sum whereas the plaintiff was insisting upon payment of the entire principal amount and some reasonable interest.

4. At the last hearing the plaintiff was present in Court so also the defndants' representative. Both sides agreed that the figure mentioned by the Court would be acceptable to them.

5. Accordingly, the matter was adjourned till today. Today, the plaintiff is appearing so also Shri Khandeparkar duly instructed by him. The defendants are represented by Shri Khanolkar and Hon.Secretary of the society is present in Court. In their presence I suggested the figure of Rs.85,000/- which would be paid by the defendants to the plaintiff in full and final settlement of the claim in the suit within three months and if so paid the same would be accepted as above.

6. Both sides agreed to this figure and requested that the suit be disposed of by consent of the parties.

7. Accordingly, the following order.

8. On the defendants paying to the plaintiff a sum of

Rs.85,000/- within three months from today, suit to stand decreed accordingly. The decree would be marked satisfied on receipt of the sum which shall be received in full and final settlement of all claims.

9. In default of payment, there would be a decree as prayed and needless to state that the plaintiff would be entitled to recover the entire sum and/or balance, if any, with interest as prayed.

10. Decree be drawn accordingly. Refund of institution fees as per rules. No order as to costs.

11. All concerned to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI J.)